

EXHIBIT 10

(part 2)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PN21/0826

DAVID R PRICE
MICHAEL BEST & FRIEDRICH
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-4108

APPLICATION NO.	FILED DATE	TOTAL CLAIMS	EXAMINER AND OFFICE ATTORNEY	DATE MAILED
06/794,141	02/03/97	019	MELIUS, J	08/26/98
THE INVENTOR				
DAVID R PRICE				
MICHAEL BEST & FRIEDRICH				
100 EAST WISCONSIN AVENUE				
MILWAUKEE WI 53202-4108				

ATTY Docket No.	CLASS/CLASS	STATUS	APPL TYPE	SMALL ENTITY	PRELIM	DATE DUE
73209/9009	095-005, 006	124	UTILITY	NO	\$1320.00	11/27/90

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status.

A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "AP" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTO-40 (REV. 10-89) Approved for use through electronic (PSTI-0020) PATENT AND TRADEMARK OFFICE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Arling House
Washington, D.C. 20231

APPLICATION NUMBER	FILED DATE	ATTORNEY/AGENT	ATTORNEY/AGENT NO.
06/794,141	02/03/97	BEINER	R 78209/9009

PN21/0826

DAVID R PRICE
MICHAEL BEST & FRIEDRICH
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-4108

DATE MAILED: 08/26/98

This is a communication from the examiner in connection with your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowed, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED. In this application, if not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed to that office.

If this communication is responsive to the attached drawings and claims, the application is allowed.

If the drawing(s) is/are not acceptable, the application is not allowed.

☐ The drawings filed on 1/2/97 are acceptable.

☐ Acknowledgment is made of a claim for priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Serial Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a).

A REQUESTED EXAMINATION (PERIOD FOR REQUEST) is complete with the requirements noted below in all instances. THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE, failure to comply will result in ABANDONMENT of the application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Now the attached EXAMINER'S AMENDMENT or NOTICE OF REFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ Including changes required by the Notice of Drawings' Patent Drawing Review, PTO-648, attached hereto as to Paper No. 1, which has been approved by the examiner.

☐ Including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.41(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a Transmittal form addressed to the Office of Drawings.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this notice should include, in the upper left hand corner, the APPLICATION NUMBER (SERIES/CONFIDENTIAL NUMBER), INVENTOR'S NAME, and the DATE OF RECEIPT. The ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-802

☒ Information Disclosure Statement(s), PTO-1449, Page 11/14, 5

☐ Notice of Drawings' Patent Drawing Review, PTO-648

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

PTO-47 (Rev. 12/91)

ALL OFFICE MAILING MUST BE BY FIRST CLASS

TERESA LEE MELIUS
PRIMARY EXAMINER
GROUP 800 714, 3614

421 P. 3 A-4
08/03/06



CONTINUATION PROSECUTION (CPA) APPLICATION (CPA) REQUEST TRANSMITTAL	
Agency Identifier No.	7820919009
First Named Inventor	
Richard D. Bodnar	
Express Mail Label No.	EN609597318US

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.103)

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20221

BT:

This is a request for filing a continuation application under 37 CFR 1.53(d), of the below-identified pending patent application which is hereby abandoned:

Serial No. 0874,141
Filed: February 3, 1997
Richard D. Bodnar
Group Art Unit 3501
Examiner: T. Melius
"GANG-TYPE ROTARY LAWN MOWER"

An Information Disclosure Statement is enclosed including copies of cited patents/references.

The filing fee has been calculated as shown below.

(I) FOR	(II) NUMBER FILED	(III) NUMBER EXTRA	(IV) RATE	(V) BASIC FEE
TOTAL CLAIMS	19-20	0	\$2,000	0
INDEPENDENT CLAIMS	8-9	0	\$2,000	0
TOTAL FILING FEE - \$				\$4,000

Enclosed is a check in the amount of \$1,000.00 to cover the filing fee.
Charge or credit Deposit Account No. 133980 with any checks or overpayment of the above fee. A duplicate of this sheet is enclosed. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

Please address all correspondence to:

David B. Riles
Michael Tami & Friedlich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4100

Respectfully submitted,

David B. Riles
David B. Riles
Reg. No. 31,557

Date: 7/20/06

cc: Docketing
Reg. Unit, DRP
Reg. Unit, DRP

Form PTO-1440 (Rev. 3-01)

U.S. Department of Commerce
Patent and Trademark Office

Applicant's Name
Richard D. Bednar

Applicant's Address
100 East Wisconsin Avenue
Milwaukee, WI 53202-4100

Applicant's Phone
(414) 271-6560

Applicant's Fax
(414) 271-6560

Applicant's E-mail
rbednar@bednar.com

Applicant's Signature
Richard D. Bednar

Applicant's Date
February 3, 1997

Group
3616

Serial No. 08/74,141

Filed: February 3, 1997

Examiner: Helius, T.

GANG-TYPE ROTARY LAWN MOWER

INFORMATION DISCLOSURE STATEMENT
PUBLISHED IN 37 CFR 51.210(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner's attention is directed to the reference which is listed on the attached Form PTO-1449 and a copy of which is attached. Citation of this reference in respectfully requested. This information disclosure statement accompanies a continued prosecution application that is being filed solely for the purpose of allowing the Examiner to consider this reference. This reference is relevant in that it discloses a walk-behind rotary mower with a rear roller. Applicant submits that this reference does not affect the allowability of the claims. Although the date of this reference is not known, Applicant admits that it is prior art, respectfully submitted.

Respectfully submitted,
David A. Bednar
Reg. No. 31,557

File No. 78209/9009
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4100
(414) 271-6560

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO-1441

Form PTO-1440 (Rev. 3-01)

U.S. Department of Commerce
Patent and Trademark Office

Applicant's Name
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rbednar@bednar.com

Applicant's Signature
Richard D. Bednar

Applicant's Date
February 3, 1997

Group
3616

Serial No. 08/74,141

Filed: February 3, 1997

Examiner: Helius, T.

GANG-TYPE ROTARY LAWN MOWER

INFORMATION DISCLOSURE STATEMENT
PUBLISHED IN 37 CFR 51.210(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

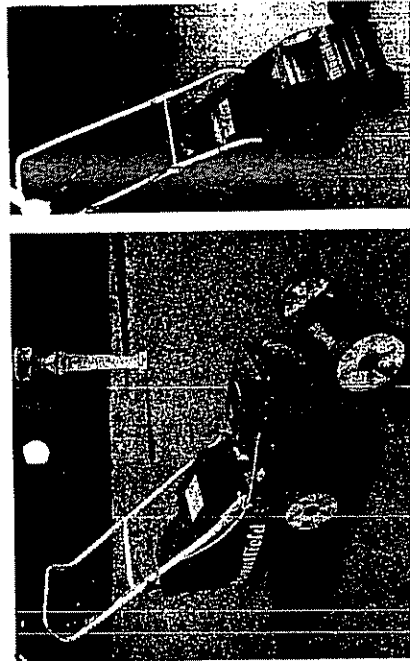
The Examiner's attention is directed to the reference which is listed on the attached Form PTO-1449 and a copy of which is attached. Citation of this reference in respectfully requested. This information disclosure statement accompanies a continued prosecution application that is being filed solely for the purpose of allowing the Examiner to consider this reference. This reference is relevant in that it discloses a walk-behind rotary mower with a rear roller. Applicant submits that this reference does not affect the allowability of the claims. Although the date of this reference is not known, Applicant admits that it is prior art, respectfully submitted.

Respectfully submitted,
David A. Bednar
Reg. No. 31,557

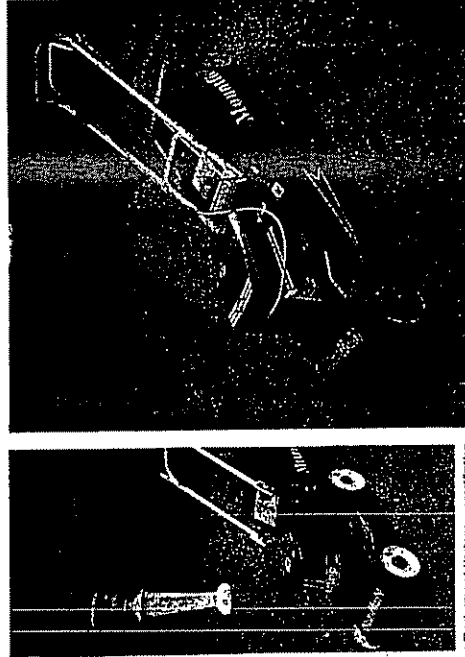
File No. 78209/9009
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4100
(414) 271-6560

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO-1441



• The Montfield 3.20T. A head propelled lawnmower model with 1.8 hp.



• The Montfield 1.8 electric lawnmower.

EXCELLENCE

O.D. Montfield, in Mantes-la-Jolie, France, is the Group's domestic grasscutting arm whose core business is selling retail mowers for home use through retail dealers, chain stores and garden centres.

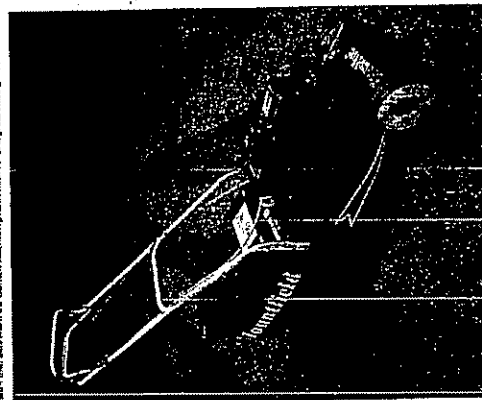
As leaders in the home market, with a longstanding reputation for high quality machines, Montfield have taken major steps to ensure that reputation and retain portfolio in the face of fierce competition in today's markets.

To maintain cost-effectiveness without compromising their standard, Montfield further ensure the inventory and spare parts have been two guiding principles. "Just in Time" and "Total Quality Creation".

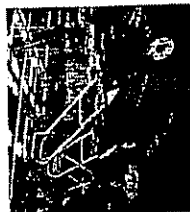
"Just in Time" means that manufacturing materials are timed to arrive just before they are actually needed in the work process. This reduces the space needed for warehouse storage, and frees the finance previously committed in the stocks of supplies and parts.

"Total Quality Creation" means creating quality at source in a system where everybody takes personal responsibility for the work. With this new approach, work on progress has been almost completely eliminated, there has been a noticeable reduction in change-over time, and Montfield can produce 25% more mowers in the same factory area while reducing total stocks by around 20%.

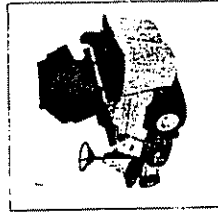
New production facilities in France and Italy have also made sure that at Montfield we can continue to keep pace with growing European demand for our products.



• Montfield's lawnmowers. The 1.8 hp model is a head propelled lawnmower with 1.8 hp. The 3.20T model is a head propelled lawnmower with 1.8 hp. The 3.20T model is a head propelled lawnmower with 1.8 hp.



• "Just in Time" 1.8T. Montfield lawnmower plant, Montfield.



• The new 3.20T lawnmower from Montfield. The 3.20T model is a head propelled lawnmower with 1.8 hp. The 3.20T model is a head propelled lawnmower with 1.8 hp.

GRASS DOMESTIC MACHINERY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 COMMUNICATIONS OF PATENTS AND TRADEMARKS
 ADDRESS: Washington, D.C. 20511

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY, AGENT OR FIRM
08/794,141	02/03/97	BEDNOR	R 782 09/8009
DAVID R PRICE MICHAEL DEST & FRIEDRICH 100 EAST WISCONSIN AVENUE MILWAUKEE WI 53202-4100		PM21/0129	EXAMINER
		MELIUS, J	
		ART UNIT	PAPER NUMBER
		3671	10
DATE MAILED: 01/29/99			

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/794,141 Inventor(s) DAVID R PRICE
 Examiner 782 09/8009 Disposition 3671

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response
 A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

—Extension of time may be available under the provisions of 37 C.F.R. § 1.136(b). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 —If a first action on the merits is taken, a response must be filed by the applicable deadline of 120 days after the mailing date of the communication.
 —If a second action on the merits is taken, a response must be filed by the applicable deadline of 120 days after the mailing date of the communication.
 —If a third action on the merits is taken, a response must be filed by the applicable deadline of 120 days after the mailing date of the communication.
 —If a fourth action on the merits is taken, a response must be filed by the applicable deadline of 120 days after the mailing date of the communication.

Status (C.P.A.)
☒ Responsive to communication(s) filed on NOV 14 1998 25, 1188
☐ This action is FINAL
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1, 453 O.G. 213.

Disposition of Claims
☒ Claim(s) 1, 2, and 4-20 is/are pending in the application.
 Of the above claim(s):
☒ Claim(s) 7-9, and 11-20 is/are withdrawn from consideration.
☒ Claim(s) 1, 2, 3, 6, and 10 is/are allowed.
☒ Claim(s) 4 is/are rejected.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers
☐ See the Attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on , is ☐ approved ☐ disapproved.
☐ The drawing(s) filed on is/are objected to by the Examiner.
☐ This specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.
☐ Priority under 35 U.S.C. § 119 (a)-(d)
☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
☐ All "Former" C. Name of the CERTIFIED copies of the priority documents have been received in Application No. (Serial Number)
☐ received in the national stage application from the International Bureau (PCT Rule 17(4)).
 Certified copies not received.

Attachment(s)
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 9 ☐ Information Summary, PTO-413
☐ Notice of References Cited, PTO-402 ☐ Notice of Informal Patent Application, PTO-153
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other

Office Action Summary
 U.S. Patent and Trademark Office
 PTO-529 (Rev. 2-87)
 U.S. GPO: 1987-451-882-70
 Part of Paper No. 10

PTO-529 (Rev. 1-88)

1- The Copy

Application/Control Number: 08/794,141

Page 2

Art Unit:

DETAILED ACTION

Response to Amendment - CPA Filing

The request for filing of a CPA has been granted with the following effect:

- 1) Claims 7-9 and 11-20 remain allowable over the art of record.
- 2) Claim 3 remains canceled.
- 3) The remaining claims will be addressed below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,297,378) in view of the Mountfield brochure.

The Smith reference was set forth in the previous Office action.

The Mountfield brochure shows the use of a rear mounted roller for a rotary blade mower (see the Mountfield Enpress on the second page for example).

Application/Control Number: 08/794,141

Page 3

Art Unit:

As for the claims, to modify the Smith device to include a plurality of rotary blade assemblies (with associated rear rollers) would have been considered an obvious modification to those skilled in the art at the time the present invention was made, particularly in view of such an arrangement for a rotary mower as set forth by the Mountfield brochure.

Allowable Subject Matter

3. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Examiner Terry Melius at (703) 308-1113.

The Examiner can normally be contacted any time Monday-Thursday.



Primary Examiner

Art Unit - 3671


1-25-1999
158-471

1. (Second Amendment) A gang-type rotary lawn mower comprising
 a frame supported by front and rear wheels for movement over the ground,
 a power source which is mounted on the frame and which drives at least two
 of the wheels,
 an operator's seat mounted on the frame,
 a steering system enabling the operator to steer the lawn mower,
 at least two side-by-side front rotary cutting deck assemblies mounted on the
 frame in front of the front wheels, the front deck assemblies defining a gap between
 adjacent front deck assemblies, and
 at least one rear rotary cutting deck assembly mounted on the frame behind the
 front deck assemblies and between the front and rear wheels, each rear deck assembly
 being aligned with a respective gap between adjacent front deck assemblies,
 each of the front and rear deck assemblies including a single-spindle cutting
 deck defining a downwardly opening space, a single spindle mounted for rotation
 about a generally vertical axis within the space, at least one cutting blade mounted on
 the spindle for rotation therewith, and a rear roller supporting the deck for movement
 over the ground, the deck having a width such that the roller extends across
 substantially the entire width of the deck.

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6P3616
3571
#11/13
5/11/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 GROUP ART UNIT 3616

In re
 Patent Application
 Richard D. Belmar
 Serial No. 08/794,141
 Filed: February 3, 1997
 Examiner: Melius, T.
 GANG-TYPE ROTARY LAWN
 MOWER

1. Thomas A. Stevens hereby certify that this
 correspondence is being deposited with the US
 Postal Service as first class mail in an envelope
 addressed to Assistant Commissioner for
 Patent, Washington, D.C. 20231, on the date
 of my signature.

Thomas A. Stevens
 Signature
 April 29, 1999
 Date of Signature

RECEIVED
 MAY 10 1999
 OFFICE OF THE
 ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

AMENDMENT 1
 Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

In response to the Patent Office action mailed January 29, 1999, please amend
 the application as follows.

IN THE CLAIMS

8. (Second Amendment) A gang-type rotary lawn mower comprising

- a frame supported by wheels for movement over the ground,
- a power source which is mounted on the frame and which drives at least two of the wheels,
- an operator's seat mounted on the frame,
- a steering system enabling the operator to steer the lawn mower,
- at least two side-by-side front rotary cutting deck assemblies mounted on the frame, the front deck assemblies defining a gap between adjacent front deck assemblies, and
- at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies, each rear deck assembly being aligned with a respective gap between adjacent front deck assemblies,

each of the front and rear deck assemblies including a pair of laterally-spaced, generally vertically-extending side plates, a single-spindle cutting deck defining a downwardly opening space, the deck being mounted between the side plates, a single spindle mounted for rotation about a generally vertical axis within the space, and at least one cutting blade mounted on the spindle for rotation therewith, wherein each deck assembly is connected to the frame in part by a cross member connected to the frame for pivotal movement about a generally vertical axis and about a generally horizontal axis extending in the forward-rearward direction, the cross member having opposite, laterally-spaced ends, one of the cross member ends being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally-extending axis adjacent the forward ends of the side plates, and the other of the cross member ends being connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, wherein each of the deck assemblies is connected to the frame by a respective generally L-shaped, horizontally-extending arm having a laterally-extending inner leg with an inner end connected to the frame for pivotal movement about a generally horizontal axis extending in the forward-rearward direction, and the arm having an outer leg extending in the forward-rearward direction, the outer leg having an outer end, and wherein the cross member is mounted on the outer end of the outer leg.

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7. (Second Amendment) A gang-type rotary lawn mower comprising

- a frame supported by wheels for movement over the ground,
- a power source which is mounted on the frame and which drives at least two of the wheels,
- an operator's seat mounted on the frame,
- a steering system enabling the operator to steer the lawn mower,
- at least two side-by-side front rotary cutting deck assemblies mounted on the frame, the front deck assemblies defining a gap between adjacent front deck assemblies, and
- at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies, each rear deck assembly being aligned with a respective gap between adjacent front deck assemblies,

each of the front and rear deck assemblies including a pair of laterally-spaced, generally vertically-extending side plates, a single-spindle cutting deck defining a downwardly opening space, the deck being mounted between the side plates, a single spindle mounted for rotation about a generally vertical axis within the space, and at least one cutting blade mounted on the spindle for rotation therewith, wherein each deck assembly is connected to the frame in part by a cross member connected to the frame for pivotal movement about a generally vertical axis and about a generally horizontal axis extending in the forward-rearward direction, the cross member having opposite, laterally-spaced ends, one of the cross member ends being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally-extending axis adjacent the forward ends of the side plates, and the other of the cross member ends being connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one of the arms being connected to one of the side plates for pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generally horizontal, laterally-extending axis.

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REMARKS

The Examiner's indication that claims 7-9 and 11-20 remain allowable and that claim 4 contains allowable subject matter is gratefully acknowledged. Claims 7 and 8 have been amended to provide antecedent basis for the side plates.

Claims 1, 2, 3, 6 and 10 have been rejected as being unpatentable over Smith in view of Mountfield. Reconsideration is respectfully requested.

Claim 1 specifies a gang-type rotary lawn mower comprising, among other things, at least two side-by-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels, and at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between the front and rear wheels, each rear deck assembly being aligned with a respective gap between adjacent front deck assemblies, each of the front and rear deck assemblies including a single-spinable cutting deck and a rear roller supporting the deck for movement over the ground, the deck having a width such that the roller extends across substantially the entire width of the deck. This construction is not suggested by any of the cited references taken alone, and is not suggested by either Smith or Nunes, the references which were originally relied upon by the Examiner and which teach gang-type mowers. The Examiner has taken the position that it would have been obvious to modify Smith in view of Mountfield, which teaches a walk-behind rotary mower with a rear roller. Applicant respectfully disagrees.

Claim 1 has been amended to emphasize the fact that Applicant's invention is a frame-mounted, gang-type, angle-blade rotary deck mower with each deck having a rear roller extending substantially all the way across the deck. This construction is not suggested by the cited references.

A lawn mower designer faces many choices. Rotary or reel? Riding or walk-behind? One reel/deck or gang-type? Frame-mounted or tow-behind? Single-blade deck or multiple-blades? Rear roller or not? Not all combinations of these features are possible or desirable, or perhaps more importantly, thought to be desirable. The choices are influenced by many factors, but the intended use of the mower is probably most significant.

As explained in the Background of the Invention portion of Applicant's specification, rotary mowers have typically not been used to cut golf course roughs, which require close trimming and the ability to cut undulating terrain at a relatively short length. Tow-behind gangs are also undesirable for this purpose. Frame-

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mounted reel mowers, usually gang-type, have been used almost exclusively for cutting golf course roughs. Nobody prior to Applicant has recognized the desirability of using, or figured out how to use, gang-type rotary mowers to cut golf course roughs.

Smith and Nunes reflect the state of the art with respect to gang-type lawn mowers. While gang-type mowers and walk-behind mowers often have common features, features of the two types of mowers are not necessarily interchangeable. Smith and Nunes teach that both reel mowers and rotary mowers can be used in gang-type mowers, but neither suggests using a rotary mower with a rear roller that extends substantially all the way across the deck. It is interesting to note that although reel mowers, both gang-type and walk-behind, have had such rear rollers for decades, gang-type rotary mowers have never (to the best of Applicant's knowledge) had such rear rollers, and even walk-behind rotary mowers have merely (Mountfield is the exception) had such rear rollers. It cannot simply be concluded, with the benefit of hindsight, that it would have been obvious to make a change that was contrary to conventional wisdom in the art of gang-type mowers.

Referring to the above-mentioned choices faced by a lawn mower designer, it has not been merely a matter of picking any combination of the listed options. As explained above, certain combinations were thought to be either desirable or undesirable, depending on the intended purpose. If the intended purpose was cutting a golf course rough, it was not thought desirable to use a frame-mounted, gang-type, single-blade rotary deck mower with each deck having a rear roller extending substantially all the way across the deck. In fact, it was not known to use such a construction for any purpose. That is why Smith and Nunes do not suggest such a construction. Moreover, the fact that Mountfield teaches a rear roller extending substantially all the way across the deck on a single-deck walk-behind mower does not make it obvious to use such a rear roller on a frame-mounted, gang-type, rotary deck mower as claimed by Applicant. The considerations are completely different, and the combination would not have been obvious, as is evidenced by the fact that, notwithstanding the hundreds of patents directed to lawn mowers, not a single one suggests the claimed combination. (Applicant is aware of the standard counter-argument saying the absence of a patent showing a claimed construction does not make that construction non-obvious, and that such absence may simply indicate that the combination was so obvious that nobody bothered to claim it, but that counter-

6

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office COMMUNICATIONS SECTION WASHINGTON, D.C. 20511	
APPLICATION NO.	FILING DATE
03/754,143	02/03/97
FIRST NAMED INVENTOR	
DELTONE	
CLASSIFICATION	
K 78209/9009	
EXAMINER	
DATE MAILED: 06/04/99	
PAPER NUMBER	
12	
DATE MAILED: 06/04/99	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

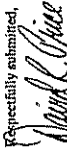
argument is specious in this crowded art in which lawn mower manufacturers patent every little improvement made.) In this case, Applicant has made a significant improvement that was not obvious to those of ordinary skill in the art.

Applicant has invented a lawn mower that is, as explained in the Summary of the Invention portion of Applicant's specification, a tremendous improvement over the known prior art, because a rotary mower typically requires substantially less maintenance than a reel mower. Applicant has invented the first rotary mower that is suitable for cutting a golf course rough. Applicant's invention is not just an arbitrary, minor improvement over the prior art. Applicant's invention is a significant step forward in the art, as has been demonstrated by the commercial success of Applicant's lawn mower, which has now been copied by at least two competitors.

Accordingly, claim 1 and dependent claims 2, 4-6 and 10 are allowable.

In view of the foregoing, entry of the above amendment and allowance of claims 1, 2, 4-6 and 10, in addition to the previous allowance of claims 7-9 and 11-20, are respectfully requested.

The undersigned is available for telephone consultation at any time.

Respectfully submitted,

 David R. Price
 Reg. No. 31,557

File No. 78209/9009

Michael Best & Friedrich LLP
 100 East Wisconsin Avenue
 Milwaukee, WI 53202-4108
 (414) 271-6560

PTO DOC (Rev. 2/81)

1776-001

Page 2

Applications/Control Number: 08/794,141

Art Unit: 3671

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art before the invention was made, taking into consideration the knowledge of all pertinent prior art, any admissible prior art, and any teachings which would be applied to the invention as it is claimed.

2. Claims 1, 2, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '378 in view of the Mountfield brochure as set forth in the previous office action.

In reference to the applicant's arguments is the following: The Smith reference is employed to clearly show that it is well known in the art to position "ganged" mower units in locations with respect to the vehicle frame and wheels as claimed by the applicant. The Nurns reference was also employed in an earlier rejection (paper #4) to display the obviousness of providing mowers having vertical cutting shafts in such a "ganged" relationship. This rejection has since been vacated in view of the above rejection and therein rendering the applicant's arguments in reference to Nurns moot. However, because the applicant has discussed Nurns as a teaching of the general state of the art, the examiner will address these issues. Firstly, as shown

Office Action Summary		Application No. 08/794,141	Applicant Robert Parrish	Division 3671
<p>00 Response to communication(s) filed on May 2, 1999</p> <p>20 This action is FINAL</p> <p>30 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11: 483 O.G. 213.</p> <p>A shortened statutory period for response to this action is set to expire 2 months, or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the shortened period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 C.F.R. 1.136(b).</p> <p>Disposition of Claims</p> <p>30 Claim(s) 1, 2, and 4-20 are pending in the application.</p> <p>Of the above, claim(s) _____ are withdrawn from consideration.</p> <p>20 Claim(s) 3, 9 and 11-20 are allowed.</p> <p>00 Claim(s) 1, 2, 5, 6, and 10 were rejected.</p> <p>00 Claim(s) 4 were rejected to.</p> <p>00 Claims _____ are subject to restriction or election requirement.</p>				
<p>Application Papers</p> <p>00 See the attached Notice of Draftperson's Patent Drawing Review, PTO-940.</p> <p>00 The drawing(s) filed on _____ have objected to by the Examiner.</p> <p>00 The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.</p> <p>00 This specification is objected to by the Examiner.</p> <p>00 The oath or declaration is objected to by the Examiner.</p>				
<p>Priority under 35 U.S.C. § 119</p> <p>00 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>00 A1 <input type="checkbox"/> Some <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.</p> <p>00 received in Application No. (Serial Code/Serial Number) _____</p> <p>00 received in this national stage application from the International Bureau (PCT Rule 17.2(b)).</p> <p>*Certified copies not required:</p> <p>00 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>				
<p>Attachments</p> <p>20 Notice of References Cited, PTO-892</p> <p>00 Information Disclosure Statement(s), PTO-1449, (Year Month).</p> <p>00 Interview Summary, PTO-413</p> <p>00 Notice of Draftperson's Patent Drawing Review, PTO-940</p> <p>00 Notice of Informal Patent Application, PTO-182</p>				
<p>11 U.S. Patent and Trademark Office PTO-326 (Rev. 9/95)</p> <p>— SEE OFFICE ACTION ON THE FOLLOWING PAGES —</p> <p>Office Action Summary</p> <p>Part of Paper No. 12</p>				

Application/Control Number: 08/794,141

Page 3

Art Unit: 3671

by both Smith and Nunes, it is clearly well known in the art to mount a plurality of mower units having either vertical or horizontal shafts (rotary or reel type mowers) in a "gauged" arrangement. Also, both Nunes and Smith as well as other teachings in the art (i.e., Crocraft '507) show that it is well known to vary the relative positions of the gauged members and cutting blades. Further, Nunes specifically discloses (column 1, lines 5-7) that it is well known to employ a mower having vertical shafts (rotary type) in a golf course maintenance roll. Both the Mountfield brochure and Crocraft teach that it is well known to provide a rotary mower with a rear mounted support roller device and Mountfield specifically teaches to provide such a roller having a length as to extend substantially across the width of the cutting deck. In regards to the applicant's device as claimed in claims 1, 2, 5, 6 and 10, it appears that the applicant is combining known features of known apparatuses to render an obvious device which would perform in a manner obvious to one having ordinary skill in the art.

Allowable Subject Matter

- 3 Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 08/794,141

Page 4

Art Unit: 3671

4. Claims 7-9 and 11-20 are allowed.

5. Applicant's arguments filed May 10, 1999 have been fully considered but they are not deemed to be persuasive. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS FINAL ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION PER PURSUANT TO 37 C.F.R. § 1.136(b) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Conclusion

6. Any inquiry concerning this communication should be directed to Robert Pezzuto at telephone number (703) 304-1012. The examiner can normally be reached Monday through Thursday from 7:00 am to 5:00 pm, Eastern Standard Time.

Notice of References Cited				Application No. 08794,141		Applicant Robert Perzadio		Examiner Robert Perzadio		Group Art Unit 3671		Befiler 3671		Page 1 of 1		
U.S. PATENT DOCUMENTS																
	DOCUMENT NO.	DATE	NAME	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS
1	4,901,507	2/19/80	Creswell	58	58	58	58	58	58	58	58	58	58	58	58	58
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U. S. Patent and Trademark Office
PTO 892 (Rev. 9-95)

Notice of References Cited

Part of Paper No. 12

Application/Control Number: 08794,141

Page 5

Art Unit: 3671

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas B. Will, can be reached on (703) 308-4078. The fax phone number for this Group is (703) 305-7687.



Robert Perzadio

June 1, 1999

Revised 11/1/99
 Form 100-101
 11/1/99

11/1/99
 11/1/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 GROUP ART UNIT 3671

In re
 Patent Application of
 Richard D. Bednar
 Serial No. 08/794,141
 Filed: February 3, 1997
 Examiner: R. Perzuo
 GANG-TYPE ROTARY LAWN MOWER

I hereby certify that the correspondence
 is being made by the undersigned
 of my agency.
 Name: Max K. Volk
 Signature: Max K. Volk
 Date of Signature: November 4, 1999
 Date of Signature: 11/17/99

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

Applicant hereby requests a 2-month extension of time extending the date for response
 until November 4, 1999. Charge Deposit Account No. 13-3080 for \$380.00 in payment of the
 fee required under 37 CFR 1.17(a)(2). Please charge any underpayment or overpayment of fees
 to this account.

Respectfully submitted,
David B. Price
 David B. Price
 Reg. No. 31,557

File No. 78209/9009

Michael Best & Friedrich LLP
 100 East Wisconsin Avenue
 Milwaukee, WI 53202-4105
 (414) 271-6560

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 0079141 00010001 130623 0079141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 GROUP ART UNIT 3616

In re
 Patent Application of
 Richard D. Bednar
 Serial No. 08/794,141
 Filed: February 3, 1997
 Examiner: Perzuo, R.
 GANG-TYPE ROTARY LAWN MOWER

I, Max K. Volk, hereby certify that I am
 the undersigned and that I am duly
 authorized to execute this instrument
 for Patent, Washington, D.C. 20231, on the date of
 my signature.
 Signature: Max K. Volk
 Date of Signature: November 4, 1999

Assistant Commissioner for Patents
 Washington, D.C. 20231

DECLARATION UNDER RULE 132

- I, Richard D. Bednar, do hereby declare that:
1. I am an adult citizen of the United States, residing in Lake Mills, Wisconsin.
 2. I am the inventor of the invention claimed in the above-referenced patent application (hereinafter the "Gang-Type Rotary Mower").
 3. As one skilled in the art of mowers and their design and construction, I conclude that my invention would not have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. My invention provided a unique solution to a long-term mower problem, as described herein. With the extensive knowledge base in the mower industry of mowers and their shortcomings, my invention would have been made long ago if it had been obvious. In fact, conventional wisdom, as described herein, would have made long ago if it had been obvious as a solution to solving problems with mowers.
 4. I am told that some of the claims of my patent application have been rejected as being obvious based on a combination of features found in a number of patent applications.

Ex-101-18 01:55pm From: MICHEL BERT P-10 P.16/11 P-18
 8/14/01 11:16am From: MICHEL B

and 1999, the doubling of our mower sales and the nearly tenfold increase in sales of the new model itself can only be attributed to the addition of my invention to my company's mowers.

9. The effectiveness of my invention as a solution to the long-term problem previously described is also evidenced by the prompt copying of my invention by competitors. Following public disclosure of my invention in 1991, at least two major competing mower manufacturers, Nuoro and Toro, retained the efficacy of my solution to the problem. These two companies copied my invention by altering their previous designs to produce and market mowers embodying my invention. These two companies now enjoy significant sales of the models incorporating my invention.

10. I enclose as Appendix A a copy of a Toro advertisement from 1999 highlighting a gang-type single-spindle rotary mower in which the mower decks include rear rollers. These Toro units were new in 1999 and were not previously available.

11. I enclose as Appendix B copies of Nuoro advertisements from 1999 highlighting gang-type single-spindle rotary mowers, including rear rollers, as replacements for Toro and John Deere units. These Nuoro replacement units were new in 1999 and were not previously available.

12. I understand the scope of pending Claim 1 of my application and conclude that Claim 1 covers the features of my invention that have resulted in the mower's commercial success and copying by competitors. In other words, it is the invention as claimed that produced the mower's success and copying.

13. I believe that the success of the Gang-type Rotary Mower embodying my invention demonstrates that this Gang-type Rotary Mower fulfills a long-felt need for a solution to the problems encountered in mowing undulating terrain. The substantial recent sales of the Gang-type Rotary Mower and the prompt copying by competitors indicate that consumers and the mower industry, respectively, see my Gang-type Rotary Mower as a previously unknown solution to their mowing problems.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Ex-101-18 01:55pm From: MICHEL BERT P-10 P.16/11 P-18
 8/14/01 11:16am From: MICHEL B

and a publication. With the vast number of mower designs and mower manufacturers in the industry, any obvious combination of features that might give a company a competitive edge has likely been tried. Rotary mowers have typically not been used in cut golf course roughs, which require close turning and the ability to cut undulating terrain at a relatively short length, because nobody prior to me has recognized the desirability of using, or figured out how to use, gang-type rotary mowers in cut golf course roughs. Conventional wisdom in the art of gang-type mowers held that rotary mowers could not be used to cut golf course roughs. My invention of individual cutting units with the addition of rear rollers, however, made the use of gang-type rotary mowers possible in cut golf course roughs. To the best of my knowledge, gang-type rotary mowers have never had such rear rollers.

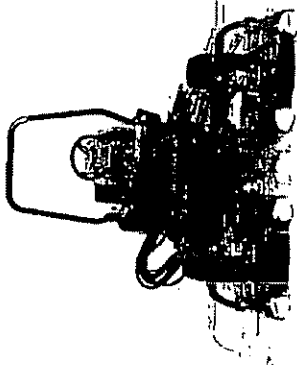
5. My Gang-type Rotary Mower invention, which was unknown to my company and to only a few years ago, is now worth millions of dollars in annual sales to my company and to the companies that copied my invention.

6. For many years, the mower industry had unsuccessfully sought a solution to the problem of cutting grass while mowing over undulating terrain. Previous rotary mowers are ineffective in compensating for elevation changes in the turf being mowed, resulting in uneven cut heights. This is particularly problematic when the turf is cut at or below ground level, leaving barren spots.

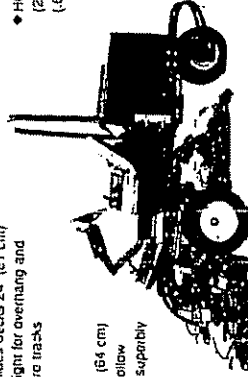
7. My invention provides a solution to that problem by teaching an apparatus with excellent ground-following and cut-height characteristics.

8. The effectiveness of my invention as a solution to this long-term problem is evidenced by the extraordinary commercial success of my invention. Annual sales of my company's previous gang-type mower averaged approximately \$4.5 million over the years 1995 to 1997, with no significant increases or decreases from year to year. Our new model embodying my invention was introduced in 1997. The addition of my invention was the only significant change from the prior model. Sales of the new model totaled \$1.3 million in 1997, jumped to \$8.5 million in 1998, and are projected to be \$10 million in 1999. The addition of my invention has more than doubled our mower sales as compared to our previous model. Because market demand for gang-type mowers increased relatively quickly between 1997

Ex-14-19 01:02m From: JOURNAL 881* 1-101 P. 10/11 E-103
 APPENDIX A
Groundmaster[®] with Contour[™] 66 Deck **TORC**



- ◆ Powerful 35 hp Kubota Turbo Diesel
- ◆ Patented pending Sidewinder[™] system slides decks 24" (61 cm) left and right for overhang and varying tire tracks
- ◆ 3 full floating 25" (64 cm) mulching decks follow ground contours superbly
- ◆ 65" (168 cm) width of cut
- ◆ HOC range of 1'-4" (2.5-10 cm) in 1/2" (64 cm) increments
- ◆ Rear rollers provide attractive striping
- ◆ Patented Series/ Parallel 3-wheel drive traction minimizes spin-outs



Product Preview

Specifications of Groundmaster 66 Deck machine shown above are for the standard model. Groundmaster 66 Deck machine is available in a variety of configurations. For more information, contact your local distributor or Torc Industries, Inc., 10000 Torc Drive, Torc, Ohio 44081-1000. Phone: (440) 295-1000. Fax: (440) 295-1001. E-mail: sales@torc.com. Web: www.torc.com. © 2005 Torc Industries, Inc.

Ex-14-19 01:02m From: JOURNAL 881* 1-101 P. 10/11 E-103

made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard D. Becker
 Richard D. Becker
 Date 11-4-99

Form 1-100 (Rev. 11/99)

1-100 P. 02/01 P-431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
GROUP ART UNIT 3671

In re
Patent Application of
Richard D. Bodnar
Serial No. 08/794,141
Filed: February 3, 1997
Examiner: R. Pezzano
GANG-TYPE ROTARY LAWN MOWER

I hereby certify that the correspondence
is being sent to the correct
Patent Office and to the correct
of my signature.

Name
Signature
Date of Signature
11/17/99

1301 2 107
08/04/99

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby requests a 2-month extension of time extending the date for response until November 4, 1999. Charge Deposit Amount No. 13-30880 for \$380.00 in payment of the fee required under 37 CFR 1.17(e)(2). Please charge any underpayment or overpayment of fees to this account.

Respectfully submitted,

David R. Price
Reg. No. 31,557

File No. 78209/9009

Michael Ben & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108
(414) 271-0560

(12/17/99) BODNAR, RICHARD D. 11/17/99
FILED 08/04/2006 11:28:00 AM
100-00 CH 08/04/2006 08/04/2006

Form 1-100 (Rev. 11/99)

1-100 P. 02/01 P-431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 3671

In re
Patent Application of
Richard D. Bodnar
Serial No. 08/794,141
Filed: February 3, 1997
Examiner: Pezzano, R.
GANG-TYPE ROTARY LAWN
MOWER

I, Mary K. Vuk, hereby certify that this correspondence is
being sent to the correct
Patent Office and to the correct
date of my signature.

Name
Signature
Date of Signature
November 4, 1999

RESPONSE TO FINAL REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Final Rejection dated June 4, 1999. A request for an extension of the time for response is attached.

The Examiner's indication that claims 7-9 and 11-20 remain allowable and that claim 4 contains allowable subject matter is gratefully acknowledged.

On the merits, the Examiner has essentially repeated his rejections from the prior Office Action to which Applicant responded in the Amendment dated May 3, 1999.

Claims 1, 2, 5, 6 and 10 have been rejected as being unpatentable over Smith in view of Mountfield or Cracraft. Reconsideration is respectfully requested.

Claim 1 specifies a gang-type rotary lawn mower comprising, among other things, at least two side-by-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels, and at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between the front and rear wheels, each rear deck assembly being aligned with a respective gap between adjacent front deck assemblies, each of the front and rear deck assemblies including a single-spindle cutting deck and a rear roller supporting the deck for movement over the ground, the deck having a width such that the roller extends across substantially the entire width of the deck. This construction is not

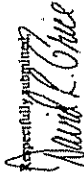
7-10 P. 15/71 F-153

Ex-14-43 8:15am From-MICHAEL P. F.

7-10 P. 15/71 F-153

Ex-14-43 8:15am From-MICHAEL P. F.

The undersigned is available for telephone consultation at any time.

Respectfully submitted,

 David R. Price
 Reg. No. 31537

File No. 78209/9009
 Michael Best & Friedrich LLP
 100 East Wisconsin Avenue
 Milwaukee, WI 53202-4108
 (414) 271-6560

suggested by any of the cited references taken alone, and is not suggested by either Smith or Nunez, the references which were originally relied upon by the Examiner and which teach gang-type mowers. The Examiner has taken the position that it would have been obvious to modify Smith in view of Mountfield, which teaches a walk-behind rotary mower with a rear roller, or in view of Czernak. Applicant respectfully disagrees.

Czernak does not change the conditions of Applicant's Amendment dated May 3, 1999, because Czernak does not teach rollers that extend across substantially the entire width of the deck. Czernak simply has rollers that extend a small part of the distance across the deck and serve the same function as wheels, not the function of Applicant's wider roller.

Applicant has invented a lawn mower that is, as explained in the Summary of the Invention portion of Applicant's specification, a tremendous improvement over the known prior art, because a rotary mower typically requires substantially less maintenance than a reel mower. Applicant has invented the first rotary mower that is suitable for cutting a golf course rough. Applicant's invention is not just an arbitrary, minor improvement over the prior art. Applicant's invention is a significant step forward in the art, as has been demonstrated by the commercial success of Applicant's lawn mower, which has now been copied by at least two competitors.

To further demonstrate the obviousness of Applicant's mower, Applicant submits herewith a Declaration of Richard D. Bednar, the inventor, demonstrating the commercial success and prevalent copying of the invention. As shown by the Declaration, Applicant, in less than three years, has made nearly \$20 million in sales to date of the mower embodying the invention, and at least two competitors have attempted to appropriate a share of this market by copying the invention.

The commercial success and copying of Applicant's product demonstrate that Applicant's mower is not obvious, and that there is a long-felt need for a mower that can effectively mow over undulating terrain, a need which has not been met by any other product.

The aforementioned Declaration establishes the nexus between the claimed invention and the commercial success and copying of the product embodying the invention.

Accordingly, independent claim 1 and dependent claims 2, 4-6 and 10 are allowable.

In view of the foregoing, allowance of claims 1, 2, 4-6 and 10, in addition to the previous allowance of claims 7-9 and 11-20, is respectfully requested.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ACRONE - COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531

APPLICATION NO. 08/794,141 FILING DATE 02/03/97 FIRST NAMED INVENTOR BEDHAR

ATTORNEY DOCKET NO. R 78209/9009

EXAMINER PEZZUTO, R

ART UNIT 3671

DATE MAILED 11/22/99

DAVID R PRICE
MICHAEL BEST & FRIEDRICH
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-4108

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-602 (Rev. 3-91)

1. File Copy

Advisory Action

Application No. 08/794,141 Examiner Robert Pezzuto

Applicant(s) Bidhar Group A1010 3671

THE PERIOD FOR RESPONSE: (check only a) or b)

a) ☐ within _____ month from the mailing date of the final rejection.

b) ☒ within three months from the mailing date of the final rejection, or on the mailing date of the Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than the notice from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the prescribed response and the appropriate fee. The extension of time must be filed within the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be charged from the date of the original mailing of the final rejection. The extension fee will be charged from the date of the original mailing of the final rejection.

☐ Applicant's brief is due two months from the date of the Notice of Appeal filed on _____ for within any period for response set forth above, whichever is later. See 37 CFR 1.191(d) and 37 CFR 1.191(e).

Applicant's response to the final rejection, filed on _____, has been considered with the following effect:

☐ The proposed amendment(s):

☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

☐ they raise new issues that would require further consideration and/or search. (See note below).

☐ they raise the issue of new matter. (See note below).

☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

☐ Applicant's response has overcome the following rejection(s):

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

The request for reconsideration should not overcome the grounds of the examiner's rejection as shown by the examiner's response in the final rejection.

☐ The affidavit or exhibit will NOT be considered because it is not deemed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of this claims is as follows (see attached written explanation, if any):

Claims objected to: 2, 9 and 11-20

Claims elected: 1, 2, 8, 9 and 10

☐ The proposed drawing correction filed on _____

☐ Has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No. 1449.

☐ Other

U.S. Patent and Trademark Office
PTO-303 (Rev. 8-95)

Advisory Action

Part of Paper No. 16

ROBERT PEZZUTO
PRIMARY EXAMINER
ART UNIT 3671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 3671

OFFICIAL

FAX RECEIVED
MAR 19 2006

Patent Application of

Richard D. Bodnar

Serial No. 08/794,141

Filed: February 3, 1997

Examiner: Pezzuto, R.

GANG-TYPE ROTARY LAWN
MOWERAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Final Rejection dated June 4, 1999 and supplements the response to final rejection submitted on November 4, 1999. A request for an extension of the time for the additional month needed for this response is attached.

The Examiner's indication that claims 7-9 and 11-20 remain allowable and that claim 4 contains allowable subject matter is gratefully acknowledged.

Claims 1, 2, 5, 6 and 10 have been rejected as being unpatentable over Smith in view of Mountfield or Cruzair. Reconsideration is respectfully requested.

Obviousness under 35 U.S.C. § 103 is a legal conclusion, which requires the resolution of four preliminary factual inquiries:

- 1) the scope and content of the prior art;
- 2) the differences between the claims and the prior art; and
- 3) the level of ordinary skill in the pertinent art; and

4) secondary considerations, if any, of nonobviousness.

See *Universal v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1050 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988). Secondary considerations include objective indicia of nonobviousness such as commercial success due to the invention, long-felt but unresolved need, and copying of the

invention in preference to copying the prior art. See *Graham v. John Deere & Co.*, 383 U.S. 1, 17-18 (1966); *Randall Corp. v. Davidson Mfg.*, 810 F.2d 1561, 1566-1568 (Fed. Cir. 1987), cert. denied, 481 U.S. 1052 (1987). Such objective evidence of obviousness

must always be considered en route to a determination of obviousness because evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not. It is to be considered as part of all the evidence, not just when the decisionmaker remains in doubt after reviewing the art.

Universal, 837 F.2d at 1033 (emphasis added) (quoting *Staples, Inc. v. Argosquip Corp.*, 713 F.2d 1530, 1538-39 (Fed. Cir. 1983)). See also *Graham*, 383 U.S. at 35; *Gillette Co. v. S.C. Johnson & Son, Inc.*, 919 F.2d 720, 725 (Fed. Cir. 1990) ("[A]n analysis of obviousness must address objective evidence of nonobviousness").

Although often termed "secondary," the Federal Circuit has noted that these objective factors highlighted in *Graham v. John Deere* are often the most probative evidence of nonobviousness, because all other evidence is potentially tainted by hindsight. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). See *Staples, Inc. v. Argosquip Corp.*, 713 F.2d 1530, 1538 (Fed. Cir. 1983) (evidence of secondary considerations "must always, when present, be considered en route to a determination of obviousness"); *In Re GRAC, Inc.*, 57 F.3d 1573, 35 U.S.P.Q.2d 1116, 1121 (Fed. Cir. 1995).

Courts consider commercial success of an invention because, "had the invention been obvious, inventors would have produced it earlier to reap the monetary rewards." *Indian Head Indus. v. Ted Smith Equip.*, 859 F. Supp. 1095, 1105 (E.D. Mich. 1994). The Supreme Court has long recognized the relevance of commercial success. For example, in *Graham v. John Deere Co.*, 383 U.S. 1 (1966), the Court noted that commercial success is an indication of non-obviousness that must be considered in a patentability analysis and that the commercial response to an invention is entitled to fair weight. *Id.* at 17-18, 35-36; see also *Underman Machine Works v. American Home & Derrick*, 730 F.2d 1452, 1461 (Fed. Cir. 1984).

Federal Circuit decisions regularly rely on evidence of commercial success for a determination of non-obviousness. For example, in *Emmison v. Advance Offset Plater*, 755 F.2d 1549 (Fed. Cir. 1985), the court held that the patented invention's market-dominating

properties undermined arguments that the success was attributable to developments in related technology, especially when the related technology existed for a number of years before the invention. *Id.* at 1557-58; see also *Gillnet Co. v. S.C. Johnson & Son, Inc.*, 919 F.2d 720, 726 (Fed. Cir. 1990) (district court found patentee's product was new and radically different from previously marketed products and its success was due to its innovative properties).

"[F]or commercial success of a product embodying a claimed invention to have true relevance to the issue of non-obviousness, that success must be shown to have in some way been due to the nature of the claimed invention, as opposed to other economic and commercial factors unrelated to the technical quality of the patented subject matter." *Cable Elec. Prods. v. Gemmark, Inc.*, 770 F.2d 1015, 1027 (Fed. Cir. 1985). This "nexus" between the commercially successful product and the invention is satisfied by the inventor simply by showing that the product that "is commercially successful is the invention disclosed and claimed in the patent." *Danisco Corp. v. E. Von Langsdorff Licensing*, 831 F.2d 1387, 1392 (Fed. Cir. 1988), cert. denied, 488 U.S. 956 (1988); see also *Rite-Hite Corp. v. Keller Co.*, 629 F. Supp. 1042, 231 U.S.P.Q. 161, 166, 169 (E.D. Wis. 1986) ("While one can never be certain of the precise causal relationship of commercial success, nevertheless in this case, it appears from all of the evidence that the invention of the '847 patent was a very significant factor"). *Id.* at 819 F.2d 1120 (Fed. Cir. 1987).

Numerous decisions rely upon facts showing a long-felt need for an invention, and the failure of others to meet that need, as evidence probative of patentability. See, e.g., *Goodrich Tire & Rubber v. Ray-O-Vac*, 321 U.S. 215, 216; *Elmer Process v. Minnesota & Ontario Paper*, 261 U.S. 45, 53-54, 68 (1923); *Grant Northern Corp. v. Henry Moulded Prods.*, 864 F. Supp. 865 (E.D. Wis. 1994). As one court noted:

The existence of an enduring, unmet need is strong evidence that the invention is novel, not obvious, and not anticipated. If people are clamoring for a solution, and the best minds do not find it for years, that is practical evidence—the kind that can't be bought from a hired expert, the kind that does not depend on fallible memories or doubtful inferences—of the state of knowledge.

In re Mankube Patent Litig., 831 F. Supp. 1354, 1378 (N.D. Ill. 1993), *aff'd*, 71 F.2d 1573 (Fed. Cir. 1995).

One of the most relevant objective factors of non-obviousness is a competitor's copying of the invention rather than copying the prior art reference that supposedly rendered the invention obvious. *Specialty Composites v. Cabot Corp.*, 845 F.2d 981, 991 (Fed. Cir.

1988) ("Copying the claimed invention, rather than one in the public domain, is indicative of unobviousness"). See *Windupline Int'l v. ABE*, 782 F.2d 995, 1000 (Fed. Cir. 1986), cert. denied, 477 U.S. 903 (1986). The reason for the importance of this factor is that if the invention was so obvious from the prior art, then the copier could use the prior art and would not need to use the invention. See *Kutir v. Belle Hel Lingerie*, 280 F.2d 277, 281 (2d Cir. 1972) ("The indication of a thing patented by a defendant, who denies invention, has often been regarded . . . as conclusive evidence of what the defendant thinks of the patent, and persuasive of what the rest of the world ought to think").

In a number of cases, courts have considered deliberate copying of the inventor's device by the defendant as evidence supporting patentability. In *Diamond Rubber v. Controlled Rubber, Inc.*, 220 U.S. 428 (1911), the Supreme Court viewed such copying of a narrow patent claim in a "crowded art" as significant.

The prior art was open to the [Defendant] Rubber Company. That "art was crowded," it says "with numerous prototypes and predecessors, of the Grant type," and they, it is stated, possessed all of the qualities which the dreams of experts attributed to the Grant Tire. And yet the rubber company uses the Grant tire. It gives the tribute of its praise to the prior art, but gives the Grant tire the tribute of its imitation. Is others have done.

Id. at 441; see also *Photo Elecs. v. Eastland*, 581 F.2d 772, 782 (9th Cir. 1978) ("The Court properly considered Petrea's copying of Photoelectronic's machine as evidence of non-obviousness").

Numerous Federal Circuit decisions consider copying as evidence of non-obviousness. See, e.g., *Avia Group Int'l v. L.A. Gear California*, 853 F.2d 1557, 1564 (Fed. Cir. 1988) ("Copying as additional evidence of non-obviousness"); *Diversitech Corp. v. Century Steels*, 850 F.2d 675, 679 (Fed. Cir. 1988) ("Copying is an indicator of non-obviousness, and is to be given proper weight"); *Specialty Composites v. Cabot Corp.*, 845 F.2d 981, 991 (Fed. Cir. 1988) (The infringer "closely copied the invention in this patent . . . [Copying the claimed invention, rather than one in the public domain, is indicative of unobviousness]").

To demonstrate the unobviousness of Applicant's mower, Applicant submitted previously a Declaration of Richard D. Bodnar, the inventor, demonstrating the commercial success and prevalent copying of the invention. As shown by the Declaration, Applicant, in less than three years, has made nearly \$20 million in sales to date of the mower embodying

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: Washington, D.C. 20530

APPLICATION NO. 08/794,141 FILING DATE 02/03/97 FIRST NAMED INVENTOR DEONAR

ATTORNEY DOCKET NO. R 78209/9009

EXAMINER PEZ22/UTO, R

ART UNIT 3671

DATE MAILED: 12/07/99

DAVID R. PRICE
MICHAEL BEST & FRIEDRICH
100 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-4108

PN82/1207

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

the invention, and at least two competitors have attempted to appropriate a share of this market by copying the invention.

The commercial success and copying of Applicant's product demonstrate that Applicant's mower is not obvious, and that there is a long-felt need for a mower that can effectively mow over undulating terrain, a need which has not been met by any other product.

The aforementioned Declaration establishes the nexus between the claimed invention and the commercial success and copying of the product embodying this invention.

Applicant has invented a lawn mower that is, as explained in the Summary of the Invention portion of Applicant's specification, a tremendous improvement over the known prior art, because a rotary mower typically requires substantially less maintenance than a reel mower. Applicant has invented the first rotary mower that is suitable for cutting a golf course rough. Applicant's invention is not just an arbitrary, minor improvement over the prior art. Applicant's invention is a significant step forward in the art, as has been demonstrated by the commercial success of Applicant's lawn mower, which has now been copied by at least two competitors.

Accordingly, independent claim 1 and dependent claims 2, 4-6 and 10 are allowable.

In view of the foregoing, allowance of claims 1, 2, 4-6 and 10, in addition to the previous allowance of claims 7-9 and 11-20, is respectfully requested.

The undersigned is available for telephone consultation at any time.

Respectfully submitted,

David R. Price
David R. Price
Reg. No. 31,557

File No. 78209/9009

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108
(414) 271-6560

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812-3 10/4 201-1 818122/114 677 P0182182 8 1138 TPC018-274 8/11/10 64-18-70

PTO-AFC (Rev. 2004)

1-Per Copy

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PM92/1207

DAVID R PRICE
MICHAEL BEST & FRIEDRICH
1500 WISCONSIN AVENUE
MILWAUKEE WI 53202-4108

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ARTIST	DATE MAILED
08/794,141	02/03/97	019	PEZZUTO, R	3571 12/07/99

The Name of Applicant: BEDNAR, 35 USC 154(b) term ext. = 0 Days.

ATTY Docket No.	CLASS/CLASS	BATCH NO	APPL TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 78209/9009	055-006,000	F35	UTILITY	NO	\$1210.00	03/07/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REJECTED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status.

If the SMALL ENTITY is shown as NO:

A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the FEE DUE shown above.

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by check to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section 46 of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE, unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

PTO-45 (REV. 10-99) Approved for use through 10/20/00 (PTO FORM 45)

U.S. PAT. & TRADEMARK OFFICE

Notice of Allowability		Application No. 08/794,141	Examiner Robert Pezzuto	Serial No. 3571
------------------------	--	----------------------------	-------------------------	-----------------

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not excluded hereafter (as previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Letter for Examination filed December 1, 1999.

☒ The allowed claim(s) is/are J. 2, and 4-20 are acceptable.

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Serial Code/Set of Numbers) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE is comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which describes the basis of objection is deficient. A SUBSTITUTE ORIGIN OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Part I, 4.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES) and DATE of the NOTICE OF ALLOWANCE and Issue Fee Due, the ISSUE DATION NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachments:

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-144E, (Paper Rule)

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material


☐ Examiner's Statement of Reasons for Allowance

Part of Paper No. 15

PTO-37 (Rev. 8-95)

Sent by: UNIVISIONS TEXTRON 8266914693; 12/09/00 10:35AM; JotFax #8833; Page 2/2

HYDRAULICALLY DRIVEN



Nunes Rotary Mower
John Deere 3365 Deck Attachment

Rotary Mower
Equipment

- 5 Deck All Hydraulically Driven
- High Quality Finish Cut
- High Productivity
- 7.25 Acres an Hour at 5 M.P.H.
- Low Maintenance
- No Belts or Pulleys to Adjust or Maintain
- Easily Attached and Detached
- Raise Units for Transportation, Storage and Maintenance
- Blades Shut Off Automatically When Raised
- Height of Cut 2/8" to 4 1/4"
- Cutting Width 140"
- Transportation Width 96"
- Nunes Model 355

Nunes Manufacturing
P.O. Box 123 • 1107 Ashford Ave. • Petoskey, Michigan 49781 • (231) 327-8773 • FAX (231) 327-1127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3671

PATENT
Batch No. F33

11-20
3/2/00

IN RE
Patent Application of
Richard D. Hednar
Serial No. 08/794,141
Filed: February 3, 1997
Examiner: Pezzuto, R.
CANG-TYPE ROTARY LAWN MOWER

Information Disclosure Statement
Pursuant to 37 CFR 51.97(l)

Assistant Commissioner for Patents
Washington, D.C. 20231


Sir:

This paper is being filed for the purpose of having the attached reference ("Nunes Rotary Mower") placed in the file of the above-identified application pursuant to 37 CFR 51.97(l). Applicant believes that this reference is not material because it is cumulative to information already of record, but Applicant is filing this paper to assure compliance with Applicant's duty of candor. Applicant does not wish to abandon or withdraw this application.

Respectfully submitted,
David R. Price
Reg. No. 31,557

File No. 78209/9009

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108
(414) 271-6560

			
UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: Washington, D.C. 20531			
APPLICATION NO.	FILED DATE	PREPARED BY/REVIEW	ATTORNEY DOCKET NO.
08/794,141	02/03/97	REINHOLD	R 76205/5009
INVENTOR: R PRICE MICHAEL REST & FRIEDRICH 100 EAST WISCONSIN AVENUE MILWAUKEE WI 53202-4108		PMS2/0313 EXAMINER PEZZUTO, R	ARTUNIT 3671
PAPER NUMBER 21		DATE MAILED 03/13/00	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

FD-400 (Rev. 1/95)

1. Fee Copy

Application/Control Number: 08/794,141

Page 2

Art Unit: 3671

DETAILED ACTION

1. In response to applicant's Information Disclosure Statement filed December 21, 1999 is the following: The reference "Nunes Rotary Mower" did not include the necessary petition, 1449 or fee to have it considered, however, in pursuant with the applicant's request the reference has been placed in the file.

Conclusion

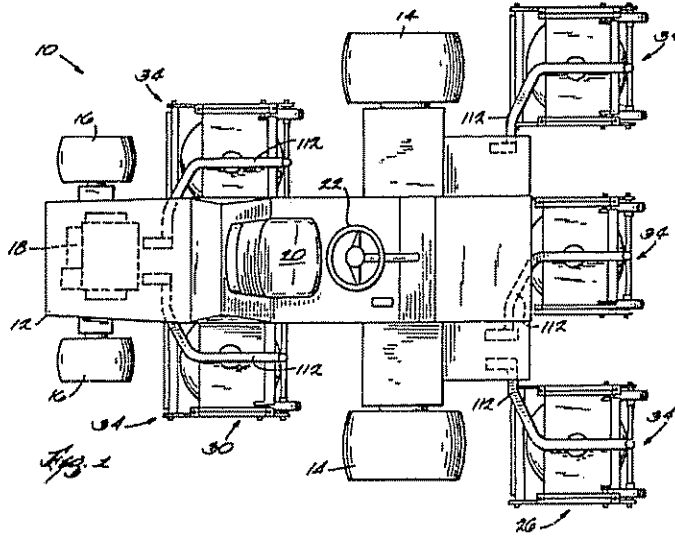
2. Any inquiry concerning this communication should be directed to Robert Pezzuto at telephone number (703) 308-1012. The examiner can normally be reached Monday through Thursday from 7:00 am to 5:00 pm, Eastern Standard Time.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will, can be reached on (703) 308-4078. The fax phone number for this Group is (703) 305-1597/8.

Robert Pezzuto

March 10, 2000

8047530



B #22

Batch F35

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
GROUP UNIT NO. 3671

In re

Patent Application of

Bednar

Serial No. 08/794,141

Filed: February 3, 1997

Examiner: Pozzuto, R.

"GANG-TYPE ROTARY LAWN MOWER"

I, Thomas A. Blument, hereby certify that this communication is the communication of the inventor or joint inventor, or of the assignee, of the invention herein, and that the communication is made in accordance with the provisions of the Patent Act, 35 U.S.C. 111, and the rules of the Patent Office, Washington, D.C. 20231, on the date of my signature.

Thomas A. Blument
Signature
Date: 10/19/99
Date of signature

SUBMISSION OF FORMAL DRAWINGS

Box Issue Fee
Assistant Commissioner for Patents
Attention: Official Draftsperson
Washington, D.C. 20231

Sir:

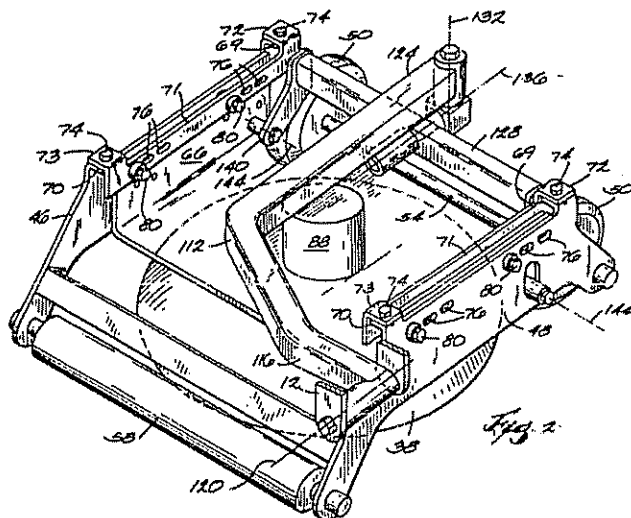
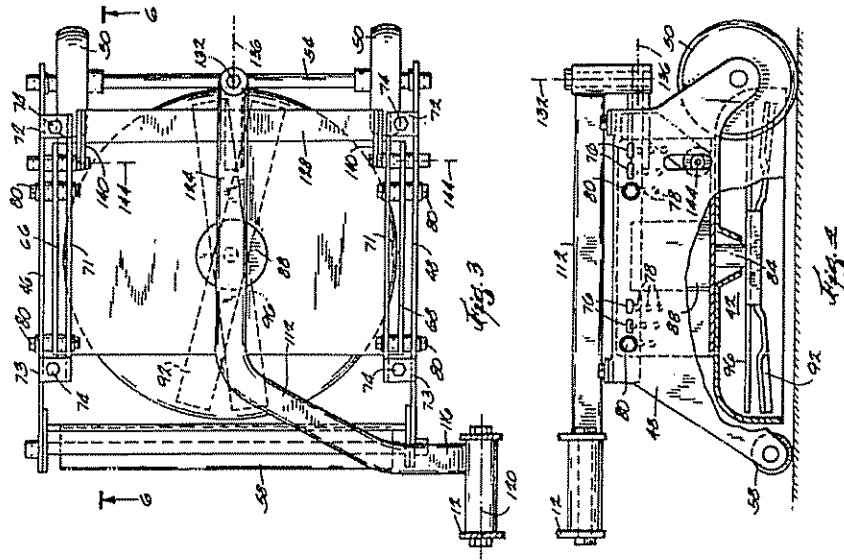
Enclosed for filing are the formal drawings for the above-identified application.

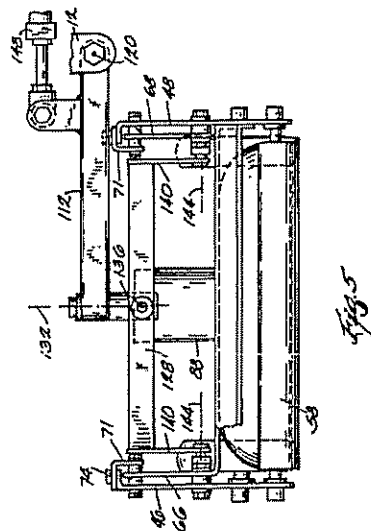
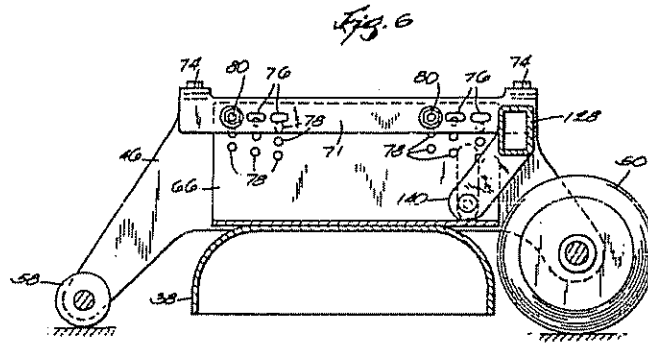
Entry of the enclosed drawings is respectfully requested.

Respectfully submitted,
David R. Price
David R. Price
Reg. No. 31,357

File No. 78209/9009

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108
(414) 271-6560





[illegible][illegible]

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number	
Effective October 1, 1996				794/41	
CLAIMS AS FILED - PART I (Column 1) (Column 2) (Column 3)					
FOR	NUMBER FILED	NUMBER EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY TOTAL
BASIC FEE			\$350.00		\$770.00
TOTAL CLAIMS	20	0	\$311.10	\$322.00	
INDEPENDENT CLAIMS	3	0	\$40.00	\$80.00	
MULTIPLE DEPENDENT CLAIM PRESENT			\$130.00	\$260.00	
			TOTAL	TOTAL	TOTAL
* If the difference in column 1 is less than zero, enter "0" in column 2.					
CLAIMS AS AMENDED - PART II (Column 1) (Column 2) (Column 3)					
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY TOTAL
Total	19	20	\$311.10	\$322.00	\$240.00
Independent	1	3	\$40.00	\$80.00	
			\$130.00	\$260.00	
			TOTAL	TOTAL	TOTAL
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (Column 1) (Column 2) (Column 3)					
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY TOTAL
Total	19	20	\$311.10	\$322.00	\$240.00
Independent	1	3	\$40.00	\$80.00	
			\$130.00	\$260.00	
			TOTAL	TOTAL	TOTAL
AMENDMENT B (Column 1) (Column 2) (Column 3)					
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY TOTAL
Total	19	20	\$311.10	\$322.00	\$240.00
Independent	1	3	\$40.00	\$80.00	
			\$130.00	\$260.00	
			TOTAL	TOTAL	TOTAL
AMENDMENT C (Column 1) (Column 2) (Column 3)					
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY TOTAL
Total	19	20	\$311.10	\$322.00	\$240.00
Independent	1	3	\$40.00	\$80.00	
			\$130.00	\$260.00	
			TOTAL	TOTAL	TOTAL

* If the entry in column 1 is less than zero, enter "0" in column 2.

* If the entry in column 2 is less than zero, enter "0" in column 3.

* If the entry in column 3 is less than zero, enter "0" in column 4.

* If the entry in column 4 is less than zero, enter "0" in column 5.

* If the entry in column 5 is less than zero, enter "0" in column 6.

* If the entry in column 6 is less than zero, enter "0" in column 7.

* If the entry in column 7 is less than zero, enter "0" in column 8.

* If the entry in column 8 is less than zero, enter "0" in column 9.

* If the entry in column 9 is less than zero, enter "0" in column 10.

* If the entry in column 10 is less than zero, enter "0" in column 11.

* If the entry in column 11 is less than zero, enter "0" in column 12.

* If the entry in column 12 is less than zero, enter "0" in column 13.

* If the entry in column 13 is less than zero, enter "0" in column 14.

* If the entry in column 14 is less than zero, enter "0" in column 15.

* If the entry in column 15 is less than zero, enter "0" in column 16.

* If the entry in column 16 is less than zero, enter "0" in column 17.

* If the entry in column 17 is less than zero, enter "0" in column 18.

* If the entry in column 18 is less than zero, enter "0" in column 19.

* If the entry in column 19 is less than zero, enter "0" in column 20.

* If the entry in column 20 is less than zero, enter "0" in column 21.

* If the entry in column 21 is less than zero, enter "0" in column 22.

* If the entry in column 22 is less than zero, enter "0" in column 23.

* If the entry in column 23 is less than zero, enter "0" in column 24.

* If the entry in column 24 is less than zero, enter "0" in column 25.

* If the entry in column 25 is less than zero, enter "0" in column 26.

* If the entry in column 26 is less than zero, enter "0" in column 27.

* If the entry in column 27 is less than zero, enter "0" in column 28.

* If the entry in column 28 is less than zero, enter "0" in column 29.

* If the entry in column 29 is less than zero, enter "0" in column 30.

* If the entry in column 30 is less than zero, enter "0" in column 31.

* If the entry in column 31 is less than zero, enter "0" in column 32.

* If the entry in column 32 is less than zero, enter "0" in column 33.

* If the entry in column 33 is less than zero, enter "0" in column 34.

* If the entry in column 34 is less than zero, enter "0" in column 35.

* If the entry in column 35 is less than zero, enter "0" in column 36.

* If the entry in column 36 is less than zero, enter "0" in column 37.

* If the entry in column 37 is less than zero, enter "0" in column 38.

* If the entry in column 38 is less than zero, enter "0" in column 39.

* If the entry in column 39 is less than zero, enter "0" in column 40.

* If the entry in column 40 is less than zero, enter "0" in column 41.

* If the entry in column 41 is less than zero, enter "0" in column 42.

* If the entry in column 42 is less than zero, enter "0" in column 43.

* If the entry in column 43 is less than zero, enter "0" in column 44.

* If the entry in column 44 is less than zero, enter "0" in column 45.

* If the entry in column 45 is less than zero, enter "0" in column 46.

* If the entry in column 46 is less than zero, enter "0" in column 47.

* If the entry in column 47 is less than zero, enter "0" in column 48.

* If the entry in column 48 is less than zero, enter "0" in column 49.

* If the entry in column 49 is less than zero, enter "0" in column 50.

* If the entry in column 50 is less than zero, enter "0" in column 51.

* If the entry in column 51 is less than zero, enter "0" in column 52.

* If the entry in column 52 is less than zero, enter "0" in column 53.

* If the entry in column 53 is less than zero, enter "0" in column 54.

* If the entry in column 54 is less than zero, enter "0" in column 55.

* If the entry in column 55 is less than zero, enter "0" in column 56.

* If the entry in column 56 is less than zero, enter "0" in column 57.

* If the entry in column 57 is less than zero, enter "0" in column 58.

* If the entry in column 58 is less than zero, enter "0" in column 59.

* If the entry in column 59 is less than zero, enter "0" in column 60.

* If the entry in column 60 is less than zero, enter "0" in column 61.

* If the entry in column 61 is less than zero, enter "0" in column 62.

* If the entry in column 62 is less than zero, enter "0" in column 63.

* If the entry in column 63 is less than zero, enter "0" in column 64.

* If the entry in column 64 is less than zero, enter "0" in column 65.

* If the entry in column 65 is less than zero, enter "0" in column 66.

* If the entry in column 66 is less than zero, enter "0" in column 67.

* If the entry in column 67 is less than zero, enter "0" in column 68.

* If the entry in column 68 is less than zero, enter "0" in column 69.

* If the entry in column 69 is less than zero, enter "0" in column 70.

* If the entry in column 70 is less than zero, enter "0" in column 71.

* If the entry in column 71 is less than zero, enter "0" in column 72.

* If the entry in column 72 is less than zero, enter "0" in column 73.

* If the entry in column 73 is less than zero, enter "0" in column 74.

* If the entry in column 74 is less than zero, enter "0" in column 75.

* If the entry in column 75 is less than zero, enter "0" in column 76.

* If the entry in column 76 is less than zero, enter "0" in column 77.

* If the entry in column 77 is less than zero, enter "0" in column 78.

* If the entry in column 78 is less than zero

[illegible]

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6. IDS			July 16 1998
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